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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,439	05/25/2001	Edwin Andre Montie	NL 000307	5977

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EXAMINER

SHIBRU, HELEN

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/866,439

Applicant(s)

MONTIE ET AL.

Examiner

HELEN SHIBRU

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 17 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendments, filed 04/17/2006, have been entered and made of record. Claims 1-19 are pending.

Response to Arguments

2. Applicant's arguments filed 04/17/06 have been fully considered but they are not persuasive.

In re page 2, Applicant states "the Examiner has assumed that Miki et al. discloses displaying a directory, in fact, there is no disclosure of such in Miki et al. In fact, the term displaying does not even occur in Miki et al."

In response the Examiner respectfully disagrees. Miki discloses the management information in Fig. 1 is read out (see col. 4 line 51-col. 5 line 24). Miki further discloses an algorithm for selecting the recording position. Miki further discloses the optimum erased area is selected from the erased area management information. Miki further discloses the overwriting and verification for the recording area are instructed to the optical disc control section 9 (see col. 5 lines 35-63).

In re pages 3-4, Applicant states "Suzuki et al. neither discloses nor suggests determining, with the aid of the displayed directory, consecutive blocks of said listed blocks necessary for recording at least the entry of predetermined length, starting from the start position or indicating the determined consecutive blocks necessary for recording at least the entry of predetermined length in the displayed directory."

In response the Examiner respectfully disagrees. Suzuki discloses erasable information is specified among the information groups which are identified by the outputted identification information while recording device is newly recording the record information. Suzuki further discloses a controlling device for controlling recording device to newly record the record information to a recordable area. (See claim 1 and col. 11 lines 8-56.)

The claimed invention does in fact read on the cited references for at least the reasons discussed above and as stated in the detail Office Action as follows. This Office action is now made Final.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Miki (US Pat. No. 5,107,481):

Regarding claim 1, Miki discloses a method of allocating recording space on a recording medium (see optical disk (102) in fig. 1 and col. 4 lines 47-50) for recording an entry of predetermined length, the recording medium having an associated displayed directory listing blocks specifying free space and previously recorded entries, the method comprising the steps (see col. 4 line 51-col. 5 line 9, and fig. 18a, 18b):

receiving a start position on the recording medium (col. 5 lines 9-24 and col. 6 lines 12-31);

determining, with the aid of the displayed directory, consecutive blocks of said listed blocks necessary for recording at least the entry of predetermined length, starting from the start position (see col. 5 lines 11-64 and fig. 2); and

displaying the directory (see col. 4 line 65-col. 5 line 5);

characterized in that the method further comprises the step:

indicating the determined consecutive blocks necessary for recording at least the entry of predetermined length in the displayed directory (see col. 5 line 25-col. 7 line 44).

Regarding claim 2, Miki discloses the start position is determined by a search algorithm (see col. 5 lines 25-63).

Regarding claim 3, Miki discloses the start position is determined in that start position input is received from a user (see col. 8 lines 7-65).

Regarding claim 4, Miki discloses the displayed directory is displayed in a text-only format (see fig. 1, 18a, 18b, and col. 4 line 60- col. 5 line 9).

Regarding claim 5, Miki discloses the determined consecutive blocks are displayed so as to be discernable from the rest of the displayed directory (see col. 10 line 50-col. 11 line 12 and fig. 1, fig. 18a and b).

Regarding claim 6, Note to the Applicant: The USPTO considers the applicant's "or" language to be anticipated by any reference containing one of the subsequent corresponding elements. Miki discloses the determined consecutive blocks are indicated by displaying a frame around the determined consecutive blocks, highlighting, or typography different from the other directory blocks (see fig. 18a and b and col. 4 line 65-col.5 line 5).

Regarding claim 7, Miki discloses the predetermined length corresponds to an amount of recording time (see col. 6 lines 12-31, col. 8 lines 7- 65, and claim 7).

Regarding claim 8, Miki discloses the predetermined length corresponds to an amount of data (see col. 6 line 60-col. 7 line 36 and claim 1 and 7).

Regarding claim 9, Miki discloses the method further comprises the steps:

calculating the difference between an overall length of the determined consecutive blocks and the predetermined length (see fig. 5, fig. 6, fig. 7, fig. 9d-f, fig. 17b, claim 4 and col. 6 line 1-col. 7 line 36); and

displaying the difference (see col. 4 line 65-col. 5 line 5, col. 6 line 67-col. 8 line 65).

Regarding claim 10, Miki discloses a module for allocating recording space on a recording medium for recording an entry of predetermined length (see optical disk (102) in fig. 1, col. 4 lines 47--col. 5 line 9, and fig. 18a, 18b), the module comprising:

memory means for storing a directory associated with the recording medium (see col. 3 lines 35-57 and col. 4 line 67-col. 5 line 24);

means for displaying said directory, said displayed directory listing blocks specifying free space and previously recorded entries (see col. 5 lines 11-64 and fig. 2); and

processing means connected to the memory means for receiving a start position on the recording medium, and for determining the consecutive blocks of the listed blocks necessary for recording at least the entry of predetermined length, starting from the start position (col. 5 lines 9-64 and col. 6 lines 12-31, and fig. 2);

characterized in that the processing means indicates the determined consecutive blocks necessary for recording at least the entry of predetermined length in the displayed directory (see col. 5 line 25-col. 7 line 44).

Claim 11 is rejected for the same reason as discussed in claim 2 above.

Claim 12 is rejected for the same reason as discussed in claim 3 above.

Claim 13 is rejected for the same reason as discussed in claim 4 above.

Claim 14 is rejected for the same reason as discussed in claim 5 above.

Claim 15 is rejected for the same reason as discussed in claim 6 above.

Claim 16 is rejected for the same reason as discussed in claim 9 above.

Regarding claim 17, Miki discloses a video recorder system including the module as claimed in claim 10 (see claim 2, col. 4 line 51-col. 5 line 26).

Regarding claim 18 Miki discloses a computer program product comprising data and instruction to be loaded into a computer, thereby enabling the computer to carry out the method as claimed in claim 1(see col. 5 lines 25-63).

Regarding claim 19, Miki discloses a data carrier provided with the computer program product as claimed in claim 18 (see col. 4 lines 47-50 and col. 5 lines 35-63).

5. Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshida (EP 0 932 159).

Regarding claim 1, Yoshida discloses a method of allocating recording space on a recording medium for recording an entry of predetermined length, the recording medium having an associated displayed directory listing blocks specifying free space and previously recorded

entries (see col. 10 paragraph 0061-0062, fig. 3A and 3B and col.11 and 12 and claims 1, 2 and 7), the method comprising the steps:

receiving a start position on the recording medium (see paragraph 0061, 0062, 0065);

determining, with the aid of the displayed directory, consecutive blocks of said listed blocks necessary for recording at least the entry of predetermined length, starting from the start position (see paragraph 0065-0078); and

displaying the directory (see col. 10 paragraph 0058, col. 11 paragraph 0064, col. 12 paragraph 0070-0072 and claims 4-5),

characterized in that the method further comprises the step:

indicating the determined consecutive blocks necessary for recording at least the entry of predetermined length in the displayed directory (see fig. 2 and 4, claims 1 and 6, and paragraph 0070-0072).

Regarding claim 10, Yoshida discloses a module for allocating recording space on a recording medium for recording an entry of predetermined length (see col. 10 paragraph 0061-0065, fig. 3A and 3B and col.11 and 12 and claims 1, 2 and 7), the module comprising:

memory means for storing a directory associated with the recording medium (see paragraph 0063-0068);

means for displaying said directory, said displayed directory listing blocks specifying free space and previously recorded entries (see col. 10 paragraph 0058, col. 11 paragraph 0064, col. 12 paragraph 0070-0072 and claims 4-5); and

processing means connected to the memory means for receiving a start position on the recording medium, and for determining the consecutive blocks of the listed blocks necessary for

recording at least the entry of predetermined length, starting from the start position (see fig. 2 and 4, claims 1 and 6, and paragraph 0070-0072);

characterized in that the processing means indicates the determined consecutive blocks necessary for recording at least the entry of predetermined length in the displayed directory (see fig. 2 and 4, claims 1 and 6, and paragraph 0070-0072).

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

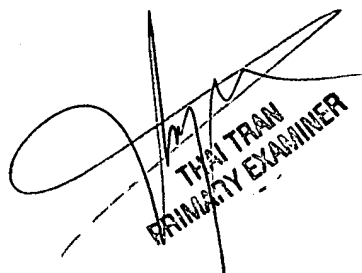
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helen Shibru
June 23, 2006



THAI TRAN
PRIMARY EXAMINER